

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PINE TREE MOBILE HOME COURT SEWAGE
TREATMENT FACILITIES

INVESTIGATION INTO THE JURISDICTIONAL
STATUS

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) CASE NO. 96-456
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O R D E R

On September 20, 1996, the Commission issued an Order opening an investigation into the jurisdictional status of Pine Tree Mobile Home Court. A written response was filed by Joseph F. Crutcher, owner of Pine Tree Mobile Home Court, on October 4, 1996. An information request issued by the Commission on October 25, 1996, was responded to by Mr. Crutcher on October 30, 1996. It is clear from the responses filed by Mr. Crutcher and the evidence of record that Pine Tree Mobile Home Court does not meet the definition of a utility. KRS 278.010 defines a utility as:

[A]ny person except a city who owns, controls, or operates or manages any facility used or to be used in connection with:

The diverting, developing, pumping, impounding, distributing, or furnishing of water to or for the public, for compensation;

[or]

The treatment of sewage for the public, for compensation, if the facility is a subdivision treatment facility plant, located in a county containing a city of the first class or a sewage treatment facility located in any other county and is not subject to regulation by a metropolitan sewer district.

According to the information submitted by Mr. Crutcher in this proceeding, Pine Tree Mobile Home Court does not provide either water or sewer service to the public for compensation. Water and sewer service is provided only to the residents of Pine Tree Mobile Home Court. This being the case, Pine Tree Mobile Home Court is not a utility and therefore not subject to the Commission's jurisdiction. KRS 278.040. Based on the evidence of record, the hearing scheduled in this matter for November 7, 1996, should be cancelled and this matter should be dismissed.

IT IS THEREFORE ORDERED that:

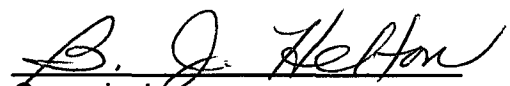
1. The hearing scheduled in this matter for November 7, 1996, is cancelled.
2. This investigation into the jurisdictional status of Pine Tree Mobile Home Court is dismissed.

Done at Frankfort, Kentucky, this 4th day of November, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director